

U.S. Department of Transportation  
Docket Operations,  
West Building Ground Floor, Room W12-140,  
1200 New Jersey Avenue, SE.,  
Washington, DC

December 29, 2008

Aero Contractors, Ltd.  
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Petition for Relief:

Aero Contractors, Ltd (ACL), requests an exemption from the requirements of 14 CFR 125.331, Carriage of persons without compliance with the passenger-carrying provisions of this part (part 125) for flight operations.

ACL requests permission to operate the following CN-35 airplanes under this exemption; N168D, N187D, N196D and N219D.

U. S. government validators may schedule ACL passengers and properly secured cargo under the authority of the US government when concurrent transportation of passengers and cargo reduces passenger exposure to a greater ground threat and in accordance with the last paragraph of this letter.

Aero Contractors, Ltd requests an exemption from the requirements of 14 CFR 125.331, Carriage of persons without compliance with the passenger-carrying provisions of this part for the following reasons listed below.

- a. FAA Order Number 8900.1, Volume Three, Chapter Two, paragraph 3-39 describes the procedures for the DOD to seek approval for deviations for "...certain unique civil aircraft operations under a military contract." ACL conducts similar flight operations in the same overseas regions where the DOD conducts military contract part 135 operations using identically equipped airplanes.
- b. Aero Contractors, Ltd provides world-wide flight support for a US government service. All flight operations that are not related to company administrative, training or maintenance support flow from that contract.
- c. All personnel transported by ACL are US government employees, US or foreign contractors, or US or foreign military servicemembers.
- d. The areas of overseas operations are often remote and have an increased risk of threat to air and ground transportation. In some locations there is a very high level of threat to ground transportation that offsets the elimination of some of the passenger-carrying provisions of part 125 for the air transportation of passengers.

- e. Passengers transported by Aero Contractors, Ltd particularly during overseas flight operations are engaged in sensitive national security operations that require the concurrent transportation of combat and combat support equipment (to include gear defined as hazardous cargo).
- f. The passengers and the crew are normally armed.
- g. The CN-35 airplanes operated by Aero Contractors, Ltd are configured with side-facing web seats with approved seatbelts located along the sidewalls of the single large passenger/cargo compartment. Cargo is secured in accordance with the airplane cargo loading manual and when HCU-6/E (milspec. 463L) pallets are used, secured with the approved pallet locking system installed in the airplane.
- h. The government service that we support has an established passenger/cargo validation process and a comprehensive risk management program for air and ground transportation. The air transportation provided by ACL is an element of the program.
- i. The contracting service has identified and assigned specific transportation tasks to ACL and specified conditions and standards for their accomplishment. Those tasks vary from traditional passenger and cargo movements in safe areas to classified para-military operations carried out in support of U. S. national security operations in remote and hostile environments.
- j. ACL has implemented a training program that insures pilots and loadmasters meet the standards imposed by the FAA and the standards specified by the contracting service. The CASA Aircrew training program and training records are located in the ACL Aircrew training office. The level of safety provided by ACL is equivalent to the safest military flight operations in the regions where we work.

The following procedures are used to provide an equivalent level of safety for Aero Contractors, Ltd passengers.

- a. An initial regional risk analysis is completed and periodically reviewed by the contracting service to evaluate passenger exposure. Three elements of exposure are considered;
  - a) ground transportation,
  - b) air transportation,
  - c) and ground security during terminal operations.
- b. A daily risk analysis is completed by the aircrew considering the following;
  - a) current threats to air transportation,
  - b) airspace management issues,
  - c) available navigation aids,
  - d) NOTAMS,
  - e) airplane equipment, suitability and serviceability,
  - f) weather,
  - g) passenger and cargo loading
  - h) and fuel requirements.
- c. Air and ground transportation are scheduled based on the least cumulative risk to passenger safety.
- d. Aircrews shall conduct flight operations IAW the company General Operations Manual.

Thank you for your assistance in this matter.

Robert W. Blowers  
General Manager

Attachments: 1